



Jonah Probell  
Alviso Neighborhood Group  
jonah@probell.com  
781-608-5912

February 25, 2014  
Via email

Rebecca Bustos  
Planner, City of San Jose

cc: John Baty, Senior Project Planner; David Sykes, Interim Director; Joseph Horwedel, Outgoing Director, Planning, Building, and Code Enforcement; Jason Rogers, Senior Planner; Kansen Chu, City Council, District 4; John Greer, Trammell Crow

RE: Review of new plans for Midpoint at 237 project (PD14-007, PDC14-004)

Dear Ms. Bustos:

The applicant's willingness to amend their plans in order to accommodate the interests of neighbors is appreciated. However, the newly submitted plans fall short of addressing the greater needs of the city, which I will detail below. Please, therefore, deny a permit for this project as submitted.

Compared to the applicant's previous plans submitted for project PD13-039, the current plans have three smaller instead of two larger warehouses. There are no loading docks facing Grand Blvd, which resolves one concern of neighboring property owners. The total freight throughput has been reduced by 26% from 120 to 89 loading doors. These changes lack sufficient consideration of the surrounding environment or the interests of the city.

1. The plans do not match the application. The application's project description is, "Planned Development Permit to allow the construction of three (3) single-story **manufacturing** buildings..." (emphasis added). According to the Guide to Classifying Industrial Property, by James R. Lisle, Director of the Runstad Center for Real Estate Studies at the University of Washington, Seattle, manufacturing buildings:

- a. have ceiling heights of 16 to 24 feet; and
- b. have a square foot to loading door ratio of 10,000 to 15,000.

According to the Guide, heavy distribution bulk warehouses:

- a. have ceiling heights exceeding 20 feet;
- b. have a square foot to loading door ratio of 3000 to 15,000;
- c. exceed 100,000 square feet;
- d. have deep truck courts;

The plans show buildings with 30 foot high ceilings, a square foot to loading door ratio of about 6300, all buildings exceeding 100,000 square feet, with deep truck courts.

The application is for manufacturing buildings but the plans are for heavy distribution bulk warehouses.

According to the PDC99-054 rezoning approved by city council, this property is zoned as an A(PD) planned development area for the purpose of building “research and development / office buildings”. The planning, and the EIR for the project, does not allow for warehousing. Despite what applicant has provided as a project description, the plans are clearly for warehouses, which were not allowed by city council.

2. The project EIR prepared for the PDC99-054 rezoning was for a corporate campus or “research and development / office buildings” that would be used by office workers commuting during rush hour. A building according to the plans submitted for project PD14-007 would surely be used for significant trucking. One might assume that the number of vehicle trips per day will be less with such a building and so the traffic impact would be less. However, such a building would likely have much longer hours of operation. There would likely be continuous traffic during and much latter than normal office hours. Therefore, the number of vehicle trips per day might be more than the PDC99-054 plan. Furthermore, the nature of the traffic would be different. Trucks make more noise, emit unhealthier exhaust, and impact traffic flow differently. A project that encompasses warehousing requires further noise, traffic , and air quality study.

The amount of trucking likely from a building according to the plans of PD14-007:

- a. is a proposed substantial change requiring a major EIR revision due to the involvement of new significant environmental effect; and
- b. constitutes new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified showing that the project will have one or more significant effects not discussed in the EIR, and substantially more severity of effects previously examined therefor.

Therefore, if not a new project EIR, at least a subsequent EIR is necessary according to CEQA article 11 section 15162. It would be preferable to demand such an EIR now rather than, with near certainty, condemn the city and neighbors to a CEQA lawsuit.

Furthermore, application PDC14-004 would reduce the bicycle parking air quality mitigations required by PDC99-054 EIR. Applicant should not be exempted from an air quality mitigation of that EIR based on differences between its plans and the plans of PD14-007 without any study of whether those differences would justify new mitigations. The applicant can’t have it both ways.

3. The new plans stand in the way of meeting the jobs creation goal of the San Jose Envision 2040 plan. Alternate plans described in the San Jose Envision 2040 plan call for 25,000 to 35,000 new jobs in Alviso with a focus on high-skilled manufacturing. Meeting that goal will require high job density development projects. The plans of PD14-007 are for a warehouse, which is unlikely to create any significant high-skilled jobs. Furthermore, with modern warehouse automated storage and retrieval systems (AS/RS), warehouses built according to applicant’s plans would provide almost no jobs of any kind for residents of San Jose. The lack of jobs created is further illustrated by the PDC14-004 application to reduce the

number of parking spaces for the project. The plans show parking only within the required building setback buffer zones and areas that can't accommodate a building due to the odd shape of the property boundary.

Please note that the lack of high-tech manufacturing jobs and misleading labeling of buildings in the plans are concerns raised by District 4 City Councilmember Kansen Chu in a letter to the planning department on January 22.

The Alviso Neighborhood Group advocates a project substantially similar to the plans anticipated by PDC99-054, which comprises six research and development / office buildings of an approximately average size for the North San Jose area on the combined sites of PD13-039 and PD14-007. Members of the Alviso Neighborhood Group believe that such a project would best balance the interests of neighbors, the city, and the applicant. The plans for project application PD14-007 and rezoning application PDC14-004 do not, and so, for at least the reasons given above, I request that a permit be denied for both applications.

Regards,

*Jonah Probell*

Jonah Probell  
Alviso Neighborhood Group